

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CRIMINAL NO. 3:97CR288

UNITED STATES OF AMERICA )  
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VS.                           )                          ORDER  
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SHAHBORN EMMANUEL )  
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THIS MATTER is before the Court on the Defendant's motion for credit for time spent in federal custody while "awaiting trial, pleading or sentencing." No response is necessary from the Government. The motion is denied.

The Attorney General of the United States, not the sentencing court, has the authority to compute the amount of pre-sentence credit. *United States v. Wilson*, 503 U.S. 329 (1992). The Fourth Circuit has held that the district court should not reach the merits of a motion such as this.

*United States v. Odiana*, 7 F.3d 227 (table), 1993 WL 359159 \*\*1 (4<sup>th</sup> Cir. 1993) (citing *United States v. Miller*, 871 F.2d 488, 490 (4<sup>th</sup> Cir. 1989) and *Chua Han Mow v. United States*, 730 F.2d 1308, 1313 (9<sup>th</sup>

**Cir. 1984) (Challenges to the computation of sentence must be brought in the district of confinement and only after the exhaustion of administrative remedies.)).** Further, federal regulations provide for administrative review through the Bureau of Prisons of the computation of prison sentences and a defendant may not seek judicial review until after that review has been exhausted. ***United States v. Burcham*, 91 Fed. Appx. 820, 823 n.2 (4<sup>th</sup> Cir. 2004).**

**IT IS, THEREFORE, ORDERED** that the Defendant's "motion for prior jail credit" is hereby **DENIED**.

Signed: February 24, 2006

  
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Lacy H. Thornburg  
United States District Judge